

be deprived of property by a process that does not apply to all citizens alike, the theoretic enunciation is a hollow mockery. The peaceable possession of property is a natural and inherent right; equality demands that special methods of deprivation of it shall not exist. No one will claim that there is any pretense of applying the same operation that robs the Saints of their property to any other class of people within the Republic; consequently our point is made.

One of the worst features of the reasoning of the decision is that part which indicates the necessity for escheatment as inevitably following the disincorporation of the Church. It is held that, the corporation being dissolved, there were no parties to whom the property could be awarded, consequently it must escheat to the government. This is one of the most inexcusable violations of equity ever expressed. Its basis has not the merit of truthfulness. The agencies appointed by the donors of the property are still in existence, and it could have been confided to them, if not for use, at least for distribution.

It is susceptible of proof that it was customary to use much of the property of the Church to feed the hungry and clothe the naked, and for other beneficent purposes. When a government descends, on a false hypothesis, to rob the poor and indigent it goes down into the smallest possible business in which it can engage.

It is claimed by the court that the Church has been guilty of an abuse of chartered rights. It is presumable that this is intended as an excuse for escheating the Church property to the government. We deny that any such abuse has existed, and further contend that, aside from that proposition, the court was not called upon to pass upon matters of fact. The controversy was purely a question of law, that being, as we understand it, the basis of the appeal. This dragging in of irrelevant assertions is neither just nor dignified, and constitutes a bolster consisting of a pillow slip with no features.

The Court declares that the distinguishing features of "Mormonism" are polygamy and absolute ecclesiastical control over its church members. Of the first it is sufficient here to observe that the question before the Court was one of property rights, not of criminal practices; of law, not of facts. The guilt or inno-

cence of a defendant charged with crime, was not properly an issue before the Court; the question to be determined was the right to own, possess and control property. To say that the Court had a right to take judicial notice of the fact that polygamy was a doctrine and criminal practice of the "Mormons," and that their Church property might, therefore, be confiscated, is to say that the court might also take judicial notice of the fact that not more than two per cent of the membership of that body ever engaged in that practice, and that for the offense of two, a hundred may be punished. But the proposition that the property of law-breakers may be confiscated without the trial and conviction, upon a criminal charge, of its owners, is to say that confiscation may follow suspicion or accusation.

The practice of this doctrine by the monarch of France was one of the chief causes that led to the storming of the Bastille and the reign of terror which cost a million lives. It is anarchy in one of the worst forms it could assume.

Of the absolute control under which the members of the "Mormon" Church are alleged to be held, it can be said and supported by their unanimous voice, that they hold themselves to be the freest and most independent community on earth. The rule of common consent prevails in all their affairs. They are controlled by their *convictions*, not by their officers, but by their *consciences*. The voluntary union of the mass is mistaken for despotic sway exercised by its leading men. To show the absurdity of this error made by the Court would not be difficult.

It is a matter of current history, and of statistics of which, did the connection warrant, a court might take judicial notice, that ninety-eight per cent of the "Mormon" people are law-abiding, and have never violated any statute of the land. Have they not a right, then, to act with unity? Is harmony of belief and conduct among Church members an offense? Can it be urged as a reason why their property should be taken from them? Grant, for argument's sake, that the leaders of a church exercise "absolute control" over its members, if the latter live within the law, and choose to submit to and sustain the former, has the civil power the right to interfere? When the government begins to regulate the internal economy of a church, where will the end be?

The Court says that the government has been patient in its dealings with the "Mormons." The fact is that for years the government has impatiently surged against the restraints of the Constitution, until at length it has burst them asunder, in an eager desire to abolish an unpopular church. The Court also says that the history of the "Mormons" is one of resistance to law and the commission of pitiless atrocities on their part. Such language, from such a source, upon such an occasion, is an outrage, not upon truth alone, but upon the dignity of the Court itself, and the dispassionate and impartial method which should have prevailed in the final decision of one of the most important lawsuits known to history. Nothing in the record before the court called for such expressions. They were extraneous to the occasion, not germane to the issue, and show that the members of the Court had allowed popular clamor, and matter outside of the record and arguments, to influence their decision.

The comparison drawn by the Court between plural marriage and assassination, as religious customs, is odious, not alone to the people at whose expense it was intended to be made, but to sense, reason and justice. The absence of common elements in the two practices is so conspicuous as to need no comment.

It is gratifying to observe that the Court was not a unit in approving this robbery of a church, as the Chief Justice and associate justices Field and Lamar dissented. We have no doubt that there are many right thinking and intelligent citizens in the Republic who will be glad to be found in such noble company.

As usual, the Latter-day Saints have received the news of this decision—a fresh evidence of the unjust discrimination to which they are subjected—with calmness. To assert that they are not inwardly exercised in regard to it would be incorrect. It is an important event of their history, and it stands in the same relation in regard to the country at large.

It is proper in this connection to direct attention to the fact that the powers that be are determined to emphasize the declaration made by every faithful member of the Church—that Joseph Smith was a Prophet.

The founder, in the hands of God, of the Church, declared, without qualification, that the time would come when the heads of the nation